UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:10-cr-260-MOC-1

UNITED STATES OF AMERICA,)	
)	
)	
)	
Vs.)	ORDER
)	
GREGORY D. ANDERSON,)	
7. 0. 1)	
Defendant.)	

THIS MATTER is before the Court on Defendant's pro se Motion to Withdraw Guilty Plea. (Doc. No. 310).

Defendant pled guilty in this Court to conspiracy to defraud the United States, bank fraud, HUD fraud, money laundering-concealment, and forcibly resisting arrest inflicting injury to persons assisting the United States. On July 29, 2014, this Court sentenced Defendant to 180 months of imprisonment. (Doc. No. 241).

Defendant appealed, and on October 21, 2015, the Fourth Circuit Court of Appeals affirmed Defendant's conviction and sentence and dismissed his appeal in part in an unpublished opinion. Defendant filed a motion to vacate under 28 U.S.C. § 2255, which this Court denied on the merits on March 12, 2019. Defendant appealed, and the Fourth Circuit affirmed the denial of the motion to vacate. (Doc. No. 307).

Defendant has now filed a pro se motion to withdraw guilty plea. Defendant's motion ia denied. Petitioner seeks to vacate, set aside, or correct his sentence to correct errors that occurred at or before sentencing. Thus, the proper procedural vehicle to do that is by filing a motion to vacate, correct, or set aside judgment under 28 U.S.C. § 2255. Defendant has already filed a

motion to vacate, and this Court denied the motion.¹ Thus, the pending motion amounts to an unauthorized successive petition, and it is denied.

IT IS, THEREFORE, ORDERED that Defendant's pro se Motion to Withdraw Guilty Plea, (Doc. No. 310), is **DENIED**.

Signed: July 9, 2020

United States District Judge

¹ Moreover, Defendant has already attempted to assert his current claims in this Court on direct appeal and in his prior motion to vacate.